IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.402 OF 2006

Gangaram Balu Gamare & Anr. ...Appellants
Vs.
Shivram Rama Gamare ...Respondent

Mr S.M. Kazi for the Appellants.
None for the Respondent.

CORAM : A. S. OKA, J.
DATE : APRIL 12, 2006.

P.C.:

1. Heard Shri Kazi appearing for the Appellant.

Following substantial questions of law arise:

(i) Whether the Appellate Court was justified in passing decree of perpetual injunction even after recording a categorical finding in paragraph No.21 of the judgment that one cannot come to the conclusion that the Plaintiff is in exclusive possession of the suit property?

(ii) Whether the Appellate Court could have passed a decree for perpetual injunction though it came to the conclusion that the original Plaintiff has not proved his exclusive possession over the suit property?

2. Second Appeal is admitted on the aforesaid substantial questions of law.

3. Printing is dispensed with. The Appellants are directed to file a private paper-book alongwith sufficient number of copies thereof within a period of one year from today. If the paper-book is not filed within the stipulated period, the Appeal will stand dismissed for want of prosecution without further reference to the court.

JUDGE